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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,589	01/27/2004	Chois A. Blackwell JR.	HE0215	1738
21495	7590	01/27/2006	EXAMINER	
CORNING CABLE SYSTEMS LLC			LEPISTO, RYAN A	
P O BOX 489			ART UNIT	PAPER NUMBER
HICKORY, NC 28603			2883	

DATE MAILED: 01/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

Office Action Summary

Application No.

10/765,589

Applicant(s)

BLACKWELL ET AL

Examiner

Ryan Lepisto

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. **Claims 1, 12-14 and 22-24** are rejected under 35 U.S.C. 102(e) as being anticipated by **Laporte et al (US 6,621,975 B2)** (Laporte).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

Laporte teaches an optical communications terminal (Fig. 1) for use in a telecommunications network comprising a plurality of fibers (18) entering the terminal via a distribution cable (16) that can be accessed before the terminal (column 1 lines 16-25), a 4 walled rectangular base (20), a cover (or cap) (50, shown as having a rounded, dome shape in Fig. 3) connected to the base (20) (note the base and cover could be labeled in reverse since the member 50 could be stationary while member 20

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could be swung open like a cover), a stub cable port (where cable 16 enters) in the base (or cover), another port (16) (opposite other 16) disposed on the opposite wall of the base (or cover) as the first port for fibers to pass straight through, a cable (16) having a first end in the port and a second end from the communications network (access point or other panels) that houses optical fibers (18) with come having connectors at their ends (at ports (48)) and connector ports (48) in the base to receive the connectors.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1, 4-5, 7-9, 11, 14, 16, 18, 20-21 and 25** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Fingler et al (US 5,892,870)** (Fingler) in view of **Griffioen et al (US 2002/0079697)** (Griffioen).

Fingler teaches a fiber optic connection terminal (Fig. 3-5) for transmissions in optical networks to external equipment comprising a housing (220) split into two portions, rectangular base (240) and rectangular upper section (or housing, 260) (again note the base and cover could be labeled in reverse since the member 260 could be stationary while member 240 could be swung open or opened like a cover), a stub cable (360) having two ends and respective cable port (300), optical fibers (400) from the

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cable (360) with angled connectors (340) attached to their ends wherein the fibers connect to the connectors in a through configuration, connector ports (320) for receiving the connectors.

Fingler does not teach expressly a mid-span access location on the cable.

Griffioen teaches a connector for branching off a signal at a mid-span access location of a communications network (paragraph 0011).

Fingler and Griffioen are analogous art because they are from the same field of endeavor, fiber optical communication networks and accessories.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide a mid-span access taught by Griffioen in a cable entering a connection terminal as taught by Fingler so a fiber extends from the mid-span access location to distribution cable.

The motivation for doing so would have been increase versatility and update and upgrade the network by providing access at any place, any time even after cables have been laid in existing protective ducts (Griffioen, paragraph 0011).

3. **Claims 6, 10, 15 and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Fingler in view of Griffioen as applied to claims 1, 4-5, 7-9, 11, 14, 16, 18, 20-21, 24 and 25 above, and further in view of applicant's disclosure.

Fingler in view of Griffioen teaches the connection terminal described above.

Fingler in view of Griffioen does not teach expressly a butt configuration in the relationship between the fibers and connector ports.

The applicant teaches that a connection terminal shown in Figs. 2 and 3 (as is claimed in claims 1 and 14) of the disclosure would lend themselves to the butt or through configuration.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art that the configuration taught by Fingler in view of Griffioen would also lend itself to either configuration since they meet the limitations of claimed structure taught by applicant that would lend to either configuration. Applicant has not disclosed that claimed configuration provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the configuration taught by Fingler in view of Griffioen because the fibers can be configured in both ways.

The motivation for doing so would have been decrease assembly time and repair time being able to route fibers in a variety of manners.

4. **Claims 2-3 and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Fingler in view of Griffioen as applied to claims 1, 4-5, 7-9, 11, 14, 16, 18, 20-21, 24 and 25 above, and further in view of **Abel et al (US 5,987,203)** (Abel).

Fingler in view of Griffioen teaches the connection terminal described above.

Fingler in view of Griffioen does not teach expressly a fiber routing slack storage hub with the limitations claimed.

Abel teaches a distribution module (Figs. 2A, 8B) comprising a connection terminal (36b) having a cylindrical routing and slack storage hub (part of 40) with

flanges and retaining tabs that is placed just behind connection ports and their respective connectors.

Fingler in view of Griffioen are analogous art because they are from the same field of endeavor, fiber optical communication networks and accessories.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include a fiber slack hub as taught by Abel in the connection terminal taught by Fingler in view of Griffioen.

The motivation for doing so would have been reducing breaks and service time by providing a drum to route fibers around to aid in retaining holding the fibers with a needed radius of curvature (Abel, column 7 lines 1-25).

Response to Arguments

5. Applicant's arguments filed 21 December 2005 have been fully considered but they are not persuasive.

With regard to the rejection using the Laporte reference: The applicant states that the Laporte reference does not teach a fiber optic connector mounted at the first end of the stub cable or a connector port adapted to receive the fiber optic connector mounted on the fiber of the stub cable from inside the base and a drop cable from outside the base. As shown in Fig. 1 of the Laporte reference, it is seen that indeed Laporte does teach a stub cable (distribution cable 16) having a first end extending inside the terminal through a stub port (at 30) which will route to a connection with drop and/or feeder cables (column 5 lines 45-47) or to a splice tray (46) with the pigtails from

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the cable (16) going to transition adapters (connectors) (48) and therefore at least one fiber terminates at a connector (column 7 lines 41-44) without interruption. The connector(s) then are mounted to the transition adapters (48) as shown in Fig. 1 for connections with mating connector cables outside the terminal.

With regard to the rejection using the Fingler reference in view of the Griffioen reference: In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, since the Griffioen reference teaches that one can increase versatility and update and upgrade the network by providing access at any place, any time even after cables have been laid in existing protective ducts by using a mid-span access location it would have been obvious to one of ordinary skill in the art at the time of applicant's invention employee such access point to improve on the terminal and system taught by Fingler.

Applicant further argues that neither references teach a fiber optical connector mounted at the first end of the stub cable. As seen in Fig. 5 of the Fingler reference the stub cable (360) travels through the stub port (300) so a first end terminates at a connector (340) mounted in a connector port (320) for connecting to a connector and fiber cable (440) outside the terminal.

With regard to the rejection using the Abel reference: It is obvious that using a fiber slack hub taught by Abel would reducing breaks and to decrease service time by providing a drum to route fibers around to aid in retaining holding the fibers with a needed radius of curvature. No one of ordinary skill in the art would expect increased service time and would recognize that the "increase" is a typo and would decrease service time.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan Lepisto whose telephone number is (571) 272-1946. The examiner can normally be reached on M-F 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on (571) 272-2415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ryan Lepisto

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Date: 1/19/06



Frank Font

Supervisory Patent Examiner

Technology Center 2800